

**STATE OF DELAWARE**  
**OFFICE OF**  
**AUDITOR OF ACCOUNTS**

**DUAL EMPLOYMENT**

**AGREED-UPON PROCEDURES ENGAGEMENT**

**YEAR ENDED JUNE 30, 2008**



**FIELDWORK END DATE: MAY 7, 2009**

**R. THOMAS WAGNER, JR., CFE, CGFM, CICA**  
**AUDITOR OF ACCOUNTS**

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STATE OF DELAWARE  
**OFFICE OF AUDITOR OF ACCOUNTS**

R. THOMAS WAGNER, JR., CFE, CGFM, CICA  
AUDITOR OF ACCOUNTS

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Independent Accountant's Report  
on Applying Agreed-Upon Procedures

Janet Wright, Esq.  
Commission Counsel  
Public Integrity Commission  
Margaret O'Neill Building  
Suite 3  
410 Federal Street  
Dover, DE 19901

Dear Commission Counsel Wright:

We have performed the procedures enumerated below, which were agreed to by Delaware Public Integrity Commission and the Office of Auditor of Accounts (AOA). The procedures were performed solely to assist the specified parties in evaluating compliance with the Dual Employment Law, Delaware Code, Title 29, Chapter 58, Subchapter 3 (Sections 5821, 5822, and 5823). Management is responsible for their agency's compliance with those requirements for the period July 1, 2007 through June 30, 2008.

This agreed-upon procedures engagement was performed in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States and the attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Our objectives and related procedures were as follows:

***Objective #1:***

**Determine if State agencies, departments, divisions, universities, and school districts are in compliance with the Dual Employment Law.**

***Procedures:***

1. Determine the population of State of Delaware legislators and State Board of Education members working as State employees at agencies, departments, divisions, universities, and school districts.
2. Select a sample of elected or appointed officials, who were also State employees during Fiscal Year 2008, and paid with more than one tax-funded source.
3. Obtain dual employment and compensatory policies from departments/divisions/agencies selected for test work.

***Findings:***

There were no findings associated with this objective.

***Objective #2:***

**Determine if elected or other paid appointed officials' pay was appropriately reduced or vacation, personal, or compensatory time was charged for time served in the elected or appointed position which required the employee to miss time during the normal workday.**

***Procedures:***

1. Obtain timesheets and leave records for the Fiscal Year 2008 legislative session for the selected sample of elected or appointed officials.
2. Review timesheet and leave records to determine if employees were in compliance with dual employment law for the selected sample of elected or appointed officials.

***Findings:***

See **Schedule of Findings** section of this report.

***Objective #3:***

**Review all allegations related to dual employment received by AOA that fall under the audit period.**

***Procedures:***

1. Request the Special Investigations designee to review the Auditor of Accounts Hotline Complaint Log and note any significant issues that may relate to or affect the current engagement.

***Findings:***

There were no findings associated with this objective.

We were not engaged to and did not conduct an examination, the objective of which would be the expression of an opinion on compliance with specified laws. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

R. Thomas Wagner, Jr., CFE, CGFM, CICA  
Auditor of Accounts  
Office of Auditor of Accounts

May 7, 2009

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# SCHEDULE OF FINDINGS

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## **Objective #2**

Determine if elected or other paid appointed officials' pay was appropriately reduced or vacation, personal, or compensatory time was charged for time served in the elected or appointed position which required the employee to miss time during the normal workday.

## **Finding #1**

### **Criteria**

Title 29, Chapter 58, §5822 states, "Any person employed by the State, or by any political subdivision of the State, including but not limited to any county, city or municipality, who also serves in an elected or paid appointed position in state government or in the government of any political subdivision of the State, including but not limited to any county, city or municipality, shall have his or her pay reduced on a prorated basis for any hours or days missed during the course of the employee's normal workday or during the course of the employee's normal workweek while serving in an elected or paid appointed position which requires the employee to miss any time which is normally required of other employees in the same or similar positions."

### **Condition**

The examination of elected officials during Fiscal Year 2008 disclosed the following:

#### **Department of Labor**

Four instances, in January 2008, and four instances, in March 2008, where the Department did not record time missed for one employee's attendance at Legislative sessions.

#### **Red Clay Consolidated School District**

One instance, on June 10, 2008, where the District did not record time missed for an employee's attendance at a Legislative session.

#### **New Castle County Vocational Technical School District**

One instance, in May 2008, where the District did not record time missed for one employee's attendance at a Legislative session.

### **Cause**

Management did not provide proper oversight regarding the employee's timekeeping records.

### **Effect**

As a result of the above discrepancies:

#### **Department of Labor**

The Department overpaid the employee 5.00 hours, or \$92.45.

#### **Red Clay Consolidated School District**

The District overpaid the employee 2.00 hours, or \$109.72.

#### **New Castle County Vocational Technical School District**

The District overpaid one employee 45 minutes, or \$39.01.

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# SCHEDULE OF FINDINGS

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## ***Recommendation***

We recommend that:

### Department of Labor

The Department recover 5.00 hours, or \$92.45, from the employee.

### Red Clay Consolidated School District

The District recover 2.00 hours, or \$109.72, from the employee.

### New Castle County Vocational Technical School District

The District recover 45 minutes, or \$39.01, from the employee.

Management may reduce either the employees' leave records or compensation by the amount of the noted discrepancy.

## ***Auditee Response***

### Department of Labor

The 5.00 hour deduction appears on the employee's February 27, 2009 pay in the amount of \$92.43 (5.00 hours x 18.485074 = \$92.425370 rounded to \$92.43).

### Red Clay Consolidated School District

The District agrees with the finding. The employee incorrectly recorded leaving at 2:40 rather than 12:40 on the time log and the error was not corrected by the building administrator. The two hours have been deducted from the employee's pay.

### New Castle County Vocational Technical School District

The District recognizes the importance of precise recordkeeping and continues to accurately process the supervisor-approved Legislative Timesheets. These timesheets are prepared by a building-level secretary in coordination with the employee. In the instance above, the employee inadvertently failed to document leaving the building on a particular day. The information provided to the building by the employee was processed, approved, and forwarded to the District Office for processing. The 45-minutes of unrecorded time was not due to lack of oversight, it was due to the employee failing to record their time as prescribed in the Board Policy. The necessary adjustment has made to deduct the employee for the time.

## **Finding #2**

### ***Criteria***

Title 29 Del. Code § 5822 (b) states, "Any day an employee misses work due to his or her elected or paid appointed position, he or she shall have his or her immediate supervisor verify a time record stating specifically the number of hours worked that day; said verification to take place at least once every pay period."

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# SCHEDULE OF FINDINGS

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## ***Condition***

Employees' pay was not reduced in the same pay period in which the hours were not worked.

### Red Clay Consolidated School District

During the period reviewed, the employee requested that his pay be reduced for hours not worked on 37 days. Of these 37 days, the pay for 21 days was not properly reduced until the following pay period.

### New Castle County Vocational Technical School District

There were 66 days among the two employees reviewed where the pay was not properly reduced in the same pay period. All pay was eventually reduced; however, most were one to two months from the time the hours were not worked. In one instance, hours that should have been reduced in January 2008 were not reduced until August 2008.

### Delaware State University

One employee's pay was not reduced until the following pay period for hours not worked on two days.

The same employee's pay was not reduced for hours not worked on one day until September 26, 2008. The delay in docked pay was approximately six months and was initiated as a result of the University's internal audit of Dual Employment.

## ***Cause***

Management did not provide proper oversight regarding the employee's timekeeping records.

## ***Effect***

The employees' pay was not reduced in the appropriate pay period.

## ***Recommendation***

We recommend that the Districts and the University ensure employees' pay is reduced in the proper pay period.

## ***Auditee Response***

### Red Clay Consolidated School District

The District does not agree with the finding and recommendation. While the verification takes place at least every pay period, due to restriction of payroll entry availability in PHRST [the State's payroll system], there are only five days available for data entry out of a 10 day work period. This leads to entry in the payroll system in the subsequent pay period. As noted by the auditors, all of the payroll adjustments were reflected in the subsequent pay period. In the current fiscal year, the employee has changed from payroll deductions to vacation time which does not require adjustments in the payroll records and is reflected in the affected pay cycle.

### New Castle County Vocational Technical School District

The District recognizes the importance of accurate recordkeeping as it relates to payroll. This process is further complicated by the number of hours deducted by those serving our State in a legislative capacity. The District is aware of Title 29 and believes the deduction of pay is occurring within a reasonable time period. The District is not aware of language that specifically mandates a timeframe for deductions of legislative hours. Though the supervisor verifies employee work hours on a daily basis, the District's

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# SCHEDULE OF FINDINGS

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policy is to process the Legislative Timesheets through the Payroll Department on a monthly basis. The information is reviewed, at which time the amount of deduction is determined. In no way are the employees' benefiting financially from the deduction process. The spreading of deductions is a common practice in an effort to not penalize the employees for their dedicated service and many contributions to the State of Delaware.

## Delaware State University

The University agrees with this finding and will strengthen its procedures for monitoring Dual Employment employees. However, it may not always be feasible to reduce an employees pay in the current pay period due to timing of when the payrolls are due. The University will make every effort to ensure that all time is accounted for within the acceptable time constraints.

## ***Auditor Comment***

In order to maintain timely and accurate records for each pay period, time should be adjusted in the same pay period that an event occurs.

## **Finding #3**

### ***Criteria***

The State of Delaware Budget and Accounting Manual, Chapter II, defines authorization as a control objective that should be used by management and financial managers. Authorization is defined as "ensuring that all transactions are approved by management."

*Internal Control - Integrated Framework*, published by COSO, defines control activities as policies and procedures that help ensure that management's directives are carried out. Management review controls are defined as the activities of a person different than the preparer analyzing and performing oversight of activities performed and its integral part of any internal control structure.

### ***Condition***

The examination of two elected officials employed by the Delaware Technical and Community College (DTCC), for Fiscal Year 2008, disclosed the following:

For one elected official, 4 out of 15 timesheets, equating to 10 Legislative Days tested, did not contain a supervisor's approval. The four timesheets were for two weeks in April 2008, one week in May 2008, and one week in June 2008.

### ***Cause***

Management did not provide proper oversight regarding the employee's timekeeping records.

### ***Effect***

Lack of proper authorization and management approval may result in payroll being improperly recorded.

### ***Recommendation***

We recommend that DTCC ensure all timesheets are submitted timely and properly reviewed and approved by the employee's supervisor.



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# SCHEDULE OF FINDINGS

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## ***Auditee Response***

Delaware Tech has an existing policy that requires leave requests to be approved by an employee's immediate supervisor. The Campus Human Resources Department will review future leave requests submitted by the employee to ensure all signatures are present.

## ***Finding #4***

### ***Criteria***

Delaware Code, Title 29, Chapter 58, §5821 (b) states, "The members of the General Assembly believe that the taxpayers of Delaware should not pay an individual more than once for coincident hours of the workday." Delaware Code, Title 29, Chapter 58, §5821 (c) states, "The State should have in place clear policies and procedures to ensure that taxpayers of the State as a whole, and of its various governmental jurisdictions, are not paying employees or officials from more than one tax-funded source for duties performed during coincident hours of the workday."

### ***Condition***

Currently, a legislator who chooses to remain at their primary State job in lieu of attending a scheduled meeting or session of the General Assembly does, in fact, receive compensation from two State sources, concurrently. As an example, a legislator who works at their primary State job from 8 a.m. to 1 p.m. before leaving to attend a committee meeting that commenced at 10 a.m., would receive compensation from both their primary State job and their legislative pay for the overlap time of three hours (10 a.m. to 1 p.m.); pay is not docked for time not spent at the committee meetings due to the lack of formal time attendance records maintained by the Office of the Controller General.

### ***Cause***

The Office of the Controller General, in taking attendance at certain committee meetings, does not record time attendance to document the time in which committee members enter and/or exit the respective committee meetings. The current Dual Employment statute does not provide any requirement on the part of legislators to dock their legislative pay, and therefore, there are no remedies to address activities that directly conflict with the Legislature's own findings as stated in §5821 (b).

### ***Effect***

Due to this lack of time attendance documentation, we are not able to verify that State employees who serve on legislative committees are not paid from more than one tax-funded source.

### ***Recommendation***

We recommend, that the General Assembly revisit the current statute regarding Dual Employment and amend to resolve this issue. See **Appendix B** for the Attorney General's Opinion regarding legislative committee meetings.

All committees should maintain detailed sign in/out sheets for each committee meeting as attendance record documentation. The Office of the Controller General should establish clear policies and procedures requiring both the Office of the Controller General and/or the committee chairs to maintain time attendance records in addition to the existing process of attendance listings, which detail the individuals present at the meetings. These additional time attendance records should include the time in which the State employee who is also an elected or appointed official enters all committee meetings as well as time out when leaving the meeting prior to its completion.

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# SCHEDULE OF FINDINGS

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***Auditee Response***

See **Appendix A** to this report for the auditee response received from the Controller General during the Fiscal Year 2007 audit.

***Auditor Comment***

We confirmed the Fiscal Year 2008 status of this finding with the Controller General's Office on January 26, 2009. As of June 30, 2008, our previous recommendations had not been implemented.

# SCHEDULE OF PRIOR YEAR FINDINGS

The following schedule summarizes the prior status as of June 30, 2008 of findings and recommendations included in the June 30, 2007 Dual Employment Audit Report:

<i><b>Finding</b></i>	<i><b>Recommendation</b></i>	<i><b>Status</b></i>
<b>Capital School District</b>		
The District did not record sufficient time missed for an employee's attendance at a legislative session. A former employee's time sheet reported that the planning period was from 12:30 p.m. to 1:45 p.m., which reflected a half hour overcharge. The contract between the District and Teachers allowed for a planning period the length of an instructional period. The former employee owes .50 hour or \$19.03 because the District did not deduct the correct amount of time for the planning period.	Capital School District must recover 0.50 hours or \$19.03 from the former employee. Since the District no longer employs the employee, District management should request a cash payment. In addition, the District needs to establish a written policy regarding the intended and proper use of duty free planning period.	Partially Implemented. During the Fiscal Year 2008 engagement, AOA noted that the \$19.03 was recovered from the employee. The District and the Teacher's Association reached a temporary agreement in February 2009 that teachers may leave during their planning period for emergencies only.
<b>Red Clay Consolidated School District</b>		
Red Clay School District does not have formal, written policies and procedures for administering the dual employment law. Due to the lack of policies and procedures, the District is not consistently reporting docked time. Out of 46 legislative dates tested for one District employee subject to the dual employment law, 18 were processed in the following pay period and one was processed five months subsequent to the meeting date. As a result of the discrepancies, the District underpaid the employee a total of 5.33 hours or \$306.72.	Red Clay School District should develop and implement written policies and procedures for administering the dual employment law to ensure each employee's pay is correctly reduced for coincident hours. In addition, the District should reimburse 5.33 hours or \$306.72 to the employee. District management may either increase the employees' leave records by 5.33 hours or increase compensation by \$306.72.	Partially Implemented. The District developed and implemented adequate written policies and procedures regarding Dual Employment. As of February 17, 2009, the District had not reimbursed the employee either 5.33 hours, or \$306.72. The District stated that the employee will receive, in his February 27, 2009 paycheck, a reimbursement of 4.33 hours, which consists of the 5.33 hours from the prior year audit and a deduction of 1.00 hours from a current year issue discovered during fieldwork. AOA verified that the reimbursement was processed in the February 27, 2009 paycheck.

# SCHEDULE OF PRIOR YEAR FINDINGS

<i><b>Finding</b></i>	<i><b>Recommendation</b></i>	<i><b>Status</b></i>
<b>Delaware Technical and Community College (DTCC) – Wilmington Campus</b>		
DTCC does not have formal written policies and procedures for administering compensatory time for all employees.	DTCC develop and implement written policies and procedures for administering compensatory time for all employees.	Implemented.
<b>Office of the Controller General</b>		
The Office of the Controller General, in taking attendance at certain committee meetings, does not record time attendance to document the time in which committee members enter and/or exit the respective committee meetings. Due to this lack of time attendance documentation, we are not able to verify that State employees who serve on legislative committees are not paid from more than one tax-funded source. The AOA has identified an instance, during the course of fieldwork, where a legislator has chosen to remain at their primary State job, rather than attending a scheduled committee meeting or legislative session, thus receiving compensation from two State sources, concurrently. In this instance, the current Dual Employment statute does not provide any requirement on the part of legislators to dock their legislative pay, and therefore, there are no remedies to address activities that directly conflict with the Legislature's own findings as stated in §5821 (b).	All committees should maintain detailed sign in/out sheets for each committee meeting as attendance record documentation. The Office of the Controller General should establish clear policies and procedures requiring both the Office of the Controller General and/or the committee chairs to maintain time attendance records in addition to the existing process of attendance listings, which detail the individuals present at the meetings.	Not Implemented – See current year finding.

# SCHEDULE OF PRIOR YEAR FINDINGS

<i><b>Finding</b></i>	<i><b>Recommendation</b></i>	<i><b>Status</b></i>
<b>New Castle County Vocational Technical School District</b>		
New Castle County Vocational Technical School District did not record time missed for an employee's attendance at a Legislative session in two instances. As a result of this oversight, the District overpaid the employee 20.75 hours (or \$836.43). Also, Dual Employment Timesheets were not signed by the Superintendent for the months of May through June 2007, as required by District policy.	New Castle County Vocational Technical School District recover 20.75 hours (or \$836.43) from the employee. District management may either reduce the employee's leave records by 20.75 hours or reduce compensation by \$836.43. In addition, the District should ensure that all Dual Employment Timesheets are submitted and properly reviewed and approved by the Superintendent as required by District policy.	Implemented.

## ***Status Key***

Implemented	The concern has been addressed by implementing the original or an alternate corrective action.
Partially Implemented	The corrective action has been initiated but is not complete and the auditor has reason to believe management fully intends to address the concern.
Not Implemented	The corrective action has not been initiated.

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# DISTRIBUTION OF REPORT

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This report is intended solely for the information and use of the Delaware Public Integrity Commission, and is not intended to be, and should not be, used by anyone other than this specified party. However, this report is a matter of public record and its distribution is not limited. This report, as required by statute, was provided to the Office of the Governor, Office of the Controller General, Office of the Attorney General, Office of Management and Budget, and Department of Finance.

Copies of this report have been distributed to the following public officials:

The Honorable Jack Markell, Governor, State of Delaware  
The Honorable Russell T. Larson, Controller General, Office of Controller General  
The Honorable Joseph R. Biden, III, Attorney General, Office of the Attorney General  
The Honorable Ann Visalli, Director, Office of Management and Budget  
The Honorable Gary M. Pfeiffer, Secretary, Department of Finance  
Ms. Trisha Neely, Director, Division of Accounting, Department of Finance  
The Honorable John McMahon, Secretary, Department of Labor  
The Honorable Thurman Adams, President Pro Tempore, Delaware State Senate  
The Honorable Robert F. Gilligan, Speaker of the House, Delaware House of Representatives

Officials of Audited Entities

Ms. Janet Wright, Esq., Commission Counsel, Public Integrity Commission, Department of State  
Dr. Claibourne D. Smith, Interim President, Delaware State University  
Dr. Orlando J. George, Jr., President, Delaware Technical and Community College  
Dr. Steven H. Godowsky, Superintendent, New Castle County Vocational Technical School District  
Dr. Michael D. Thomas, Superintendent, Capital School District  
Dr. Robert J. Andrzejewski, Superintendent, Red Clay Consolidated School District

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## APPENDIX A: CONTROLLER GENERAL RESPONSE TO PRIOR YEAR FINDING

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STATE OF DELAWARE  
OFFICE OF THE CONTROLLER GENERAL  
LEGISLATIVE HALL  
DOVER, DELAWARE 19901

November 15, 2007

The Honorable R. Thomas Wagner, Jr.  
Auditor of Accounts  
401 Federal Street  
Townsend Bldg.  
Suite One  
Dover, DE 19901

Re: Dual Employment Audit

Dear Mr. ~~Wagner~~ *Wagner*:

In response to your November 5 letter regarding dual employment I offer the following:

Attendance of members of the Joint Finance and Bond Committees at all committee meetings is duly recorded by one of the attaches employed to keep such records as part of their responsibilities. We do not record the exact time of arrival or departure. In point of fact, it is not possible to record the constant movement of legislators nor is it of any particular value to either ourselves or you for audit purposes.

A legislator who is also employed by the State in some other capacity must record the fact that they are not at their State job whether they're going to a committee hearing, the general session of the House or Senate or simply going to the doctor or a grocery store. All State agencies require documented time sheets from their respective agencies. These time sheets are used for Time and Labor reports for the purpose of paying employees.

Legislators who are members of the JFC or Bond committees are paid a stipend for their work on these committees. The stipend (and legislative salary) is paid whether they attend the meetings or not. Therefore, it doesn't make any difference if we record actual times of attendance or not.

**The only way there can be abuse of dual payments is if they do not record their absence from their primary job.**

If you require further clarification on this issue, please feel free to contact me.

Sincerely,

  
Russell T. Larson  
Controller General

Cc: Frank N. Broujos, Deputy Attorney General  
Keith R. Brady, Assistant State Solicitor

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APPENDIX B: ATTORNEY GENERAL OPINION  
REGARDING LEGISLATIVE COMMITTEE MEETINGS

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JOSEPH R. BIDEN, III  
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE  
NEW CASTLE COUNTY  
820 NORTH FRENCH STREET  
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February 21, 2008

The Honorable R. Thomas Wagner, Jr.  
Auditor of Accounts  
401 Federal Street  
Townsend Building, Suite 1  
Dover, Delaware 19901

**ATTORNEY-CLIENT PRIVILEGED  
AND CONFIDENTIAL**

**RE: Legislative Committee Meetings**

Dear Mr. Wagner:

Chief Administrative Auditor Stacey Wynne has asked this office whether time should be “docked” from a State legislator who remains at his or her State job and does not attend a simultaneously scheduled meeting of a legislative committee of which the legislator is a member.<sup>1</sup> We conclude that the relevant statute does not authorize the legislator’s State job pay to be docked under your scenario.

The General Assembly’s findings on dual employment are recited in the State Compensation Policy (the “Policy”) at 29 *Del.C.* §§ 5821(b)<sup>2</sup> and 5821(c)<sup>3</sup> (the “Findings”). The Findings convey the General Assembly’s expectation that so-called “double-dipping” should not occur under *any* circumstances. The provision that implements the Findings states in pertinent part:

*Any person employed by the State ... who also serves in an elected ... position ... shall have his or her pay reduced on a prorated basis for any hours or days **missed** during the course of the employee's normal workday or during the course of the employee's normal workweek while serving in an elected ... position which **requires the employee to miss** any time which is normally required of other employees in the same or similar positions.*

29 *Del.C.* § 5822(a) (Emphasis added).

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<sup>1</sup> It is my understanding from your Office that State legislators are paid a stipend for committee membership and that no dollar amount is allocated per meeting.

<sup>2</sup> “The members of the General Assembly believe that the taxpayers of Delaware should not pay an individual more than once for coincident hours of the workday.”

<sup>3</sup> “The State should have in place clear policies and procedures to ensure that taxpayers of the State as a whole ... are not paying employees or officials from more than 1 tax-funded source for duties performed during coincident hours of the workday.”



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## APPENDIX B: ATTORNEY GENERAL OPINION REGARDING LEGISLATIVE COMMITTEE MEETINGS

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The Honorable R. Thomas Wagner, Jr.  
February 21, 2008  
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The plain meaning of this provision requires the State legislator be away from the job physically (actually “miss” time) in order for a reduction in pay to occur. The language of the Policy is also unambiguous in that only the State job pay can be docked. There is no corresponding provision that permits a legislator’s General Assembly pay to be docked when a legislator is absent from legislative business.

Further support for this interpretation is found in the legislative history of the Policy. Your scenario was raised and discussed during the Senate debate.<sup>4</sup> While noting that a legislator has a moral obligation to attend legislative sessions, the General Assembly chose not to create a statutory remedy for the situation where a legislator chooses to remain at his or her State job during a legislative session (thus receiving State funds for both positions during the same time period). As a result, each legislator in this situation has the discretion to double-dip without the consequences set forth in the Policy.

We believe this situation is inconsistent with the express Findings of the Policy. Nonetheless, given our review of the legislative history and the plain meaning of the statute, we also must reach a conclusion that is inconsistent with the Findings. We conclude the General Assembly did not intend that a legislator’s State employment pay be docked when that legislator remains at his or her State job during the time scheduled for that legislator to attend a committee meeting.

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<sup>4</sup> *President [of the Senate]:* Senator Vaughn.

*Senator Vaughn:* Thank you, Mr. President. A question to the sponsor: Suppose a State employee stays on his job and does not come to the General Assembly to serve. How does your bill handle that situation?

\* \* \*

*President:* Senator Connor?

*Senator Connor:* Thank you, Mr. President. Senator, the question is answered to the fact that there is no time sheet on that particular day because there are no coincident hours on that particular day shown. The individual does not show up in the Senate. The individual stays in his place of employment. There is no time sheet turned in. There’s no sign-off on the time sheet. There’s no coincident hours. So the individual is not docked from being at his normal place of work since that’s the place where his responsibility has not been shirked. Now whether that creates a problem because the individual is paid from the State at the same time, that’s his responsibility – a moral responsibility as well as a statutory responsibility to be here and acting on behalf of his constituency. If he’s not here acting on behalf of his constituency, I think that matter will be resolved very quickly through the next election and through also hopefully other types of releases in the press and so forth that would force him into that situation.

*President:* Senator Vaughn.

*Senator Vaughn:* Mr. President, I agree with the Senator that the individual is obligated to be here, but from his response it’s not clear to me whether under this bill he would be docked pay in the General Assembly pay.

*President:* Senator Citro.

*Senator Citro:* Mr. President, I think I know what Senator Vaughn...you’re talking about the Senator misses a day, but if you look down on the first page, under Policy, it says any person employed by the State or county, who serves in a State or county elected or paid appointed position, shall have his or her pay reduced on a prorated, we’re talking about that State employee that’s an elected official. There’s nothing in here that says anything about the elected official. Maybe next term around that will be a good bill for you.

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APPENDIX B: ATTORNEY GENERAL OPINION  
REGARDING LEGISLATIVE COMMITTEE MEETINGS

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The Honorable R. Thomas Wagner, Jr.  
February 21, 2008  
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We note that at the end of the Senate debate on the Policy, Senator Citro suggested that Senator Vaughn might wish to address this situation in the subsequent term of the General Assembly. No one acted on this suggestion. In light of the inconsistency noted above, you may wish to recommend that the General Assembly reconsider this issue as was previously suggested by the late Senator Vaughn.

Please do not hesitate to contact me if you have any questions.

Very truly yours,



Frank N. Broujos  
Deputy Attorney General

Xc: Lawrence W. Lewis, State Solicitor  
Jennifer D. Oliva, Deputy State Solicitor